IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 938 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANILKUMAR JAYANTIBHAI SHAH
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR MTM HAKIM for the Petitioners
MR PATHIL ACHARYA, ASSISTANT GOVERNMENT PLEADER for Respondent Nos.1 to 5 MR DEVENDRA K RATHOD for Respondent No.6

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 25/07/2007

ORAL JUDGMENT

1. The matter was heard for some time.

2. Mr.Devendra K.Rathod, learned advocate for heirs of respondent No.6 made available a copy of Regular Civil Suit No.65 of

2007 filed by present petitioner No.2 against the heirs of respondent No.6.

That being so, In view of the settled position of law that mutation entries are always subject to final outcome of civil proceedings, the present petition is rendered infractuous.

3. At the request of Mr.MTM Hakim, learned advocate for the petitioners, it is clarified that the mutation entries, which are under challenge in this petition, do not have the finality and the same are subject to the rights of the parties adjudicated by the Civil Court.

4. Mr.Rathod, learned advocate for heirs of respondent No.6 requested that it be clarified that it will be open for the heirs of respondent No.6 to agitate their rights and raise all legal contentions available to them before the Civil Court and also before the authority, after the rights of the parties are adjudicated by the Civil Court.

No such clarification is required in view of the settled legal position that mutation entries are always subject to the final outcome of civil proceedings.

In the Civil Suit filed by present petitioner No.2, heirs of respondent No.6 are already made party and they will be having their right to raise all legal contentions available to them and press their rights into service.

5. The petition is disposed of as having become infractuous. Rule is discharged with no order as to costs.

(RAVI R.TRIPATHI, J.)

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